

AMENDMENT TO RULES COMMITTEE PRINT 117-

54

OFFERED BY MR. GREEN OF TEXAS

Page 1262, after line 23, insert the following:

1 **SEC. 5403. REFORMING DISASTER RECOVERY.**

2 (a) FINDINGS.—Congress finds that—

3 (1) following a major disaster declared by the
4 President under section 401 of the Robert T. Staf-
5 ford Disaster Relief and Emergency Assistance Act
6 (42 U.S.C. 5170), the subset of communities that
7 are most impacted and distressed as a result of the
8 disaster face critical social, economic, and environ-
9 mental obstacles to recovery, including insufficient
10 public and private resources to address disaster-re-
11 lated housing and community development needs for
12 lower income households and distressed commu-
13 nities;

14 (2) unmet disaster recovery needs, including
15 housing assistance needs, can be especially wide-
16 spread among persons with extremely low, low, and
17 moderate incomes;

18 (3) economic, social, and housing hardships
19 that affect communities before disasters are exacer-

1 bated during crises and can delay and complicate
2 long-term recovery, especially after catastrophic
3 major disasters;

4 (4) States, units of local government, and In-
5 dian Tribes within the most impacted and distressed
6 areas resulting from major disasters benefit from
7 flexibility to design programs that meet local needs,
8 but face inadequate financial, technical, and staffing
9 capacity to plan and carry out sustained recovery,
10 restoration, and mitigation activities;

11 (5) the speed and effectiveness considerations of
12 long-term recovery from catastrophic major disasters
13 is improved by predictable investments that support
14 disaster relief, long-term recovery, restoration of
15 housing and infrastructure, and economic revitaliza-
16 tion, primarily for the benefit of low- and moderate-
17 income persons;

18 (6) undertaking activities that mitigate the ef-
19 fects of future natural disasters and extreme weath-
20 er and increase the stock of affordable housing, in-
21 cluding affordable rental housing, as part of long-
22 term recovery can significantly reduce future fiscal
23 and social costs, especially within high-risk areas,
24 and can help to address outstanding housing and
25 community development needs by creating jobs and

1 providing other economic and social benefits within
2 communities that further promote recovery and resil-
3 ience; and

4 (7) the general welfare and security of the na-
5 tion and the health and living standards of its people
6 require targeted resources to support State and local
7 governments in carrying out their responsibilities in
8 disaster recovery and mitigation through interim and
9 long-term housing and community development ac-
10 tivities that primarily benefit persons of low and
11 moderate income.

12 (b) DEFINITIONS.—In this section:

13 (1) DEPARTMENT.—The term “Department”
14 means the Department of Housing and Urban De-
15 velopment.

16 (2) FUND.—The term “Fund” means the
17 Long-Term Disaster Recovery Fund established
18 under subsection (d).

19 (3) SECRETARY.—The term “Secretary” means
20 the Secretary of Housing and Urban Development.

21 (c) DUTIES OF THE DEPARTMENT OF HOUSING AND
22 URBAN DEVELOPMENT.—

23 (1) IN GENERAL.—The offices and officers of
24 the Department shall be responsible for—

1 (A) leading and coordinating the disaster-
2 related responsibilities of the Department under
3 the National Response Framework, the Na-
4 tional Disaster Recovery Framework, and the
5 National Mitigation Framework;

6 (B) coordinating and administering pro-
7 grams, policies, and activities of the Depart-
8 ment related to disaster relief, long-term recov-
9 ery, resiliency, and mitigation, including dis-
10 aster recovery assistance under title I of the
11 Housing and Community Development Act of
12 1974 (42 U.S.C. 5301 et seq.);

13 (C) supporting disaster-impacted commu-
14 nities as those communities specifically assess,
15 plan for, and address the housing stock and
16 housing needs in the transition from emergency
17 shelters and interim housing to permanent
18 housing of those displaced, especially among
19 vulnerable populations and extremely low-, low-
20 , and moderate-income households;

21 (D) collaborating with the Federal Emer-
22 gency Management Agency, the Small Business
23 Administration, and across the Department to
24 align disaster-related regulations and policies,
25 including incorporation of consensus-based

1 codes and standards and insurance purchase re-
2 quirements, and ensuring coordination and re-
3 ducing duplication among other Federal dis-
4 aster recovery programs;

5 (E) promoting best practices in mitigation
6 and land use planning, including consideration
7 of traditional, natural, and nature-based infra-
8 structure alternatives;

9 (F) coordinating technical assistance, in-
10 cluding mitigation, resiliency, and recovery
11 training and information on all relevant legal
12 and regulatory requirements, to entities that re-
13 ceive disaster recovery assistance under title I
14 of the Housing and Community Development
15 Act of 1974 (42 U.S.C. 5301 et seq.) that dem-
16 onstrate capacity constraints; and

17 (G) supporting State, Tribal, and local
18 governments in developing, coordinating, and
19 maintaining their capacity for disaster resilience
20 and recovery, and developing pre-disaster recov-
21 ery and hazard mitigation plans, in coordina-
22 tion with the Federal Emergency Management
23 Agency and other Federal agencies.

24 (2) ESTABLISHMENT OF THE OFFICE OF DIS-
25 ASTER MANAGEMENT AND RESILIENCY.—Section 4

1 of the Department of Housing and Urban Develop-
2 ment Act (42 U.S.C. 3533) is amended by adding at
3 the end the following:

4 “(i) OFFICE OF DISASTER MANAGEMENT AND RE-
5 SILIENCY.—

6 “(1) ESTABLISHMENT.—There is established,
7 in the Office of the Secretary, the Office of Disaster
8 Management and Resiliency.

9 “(2) DUTIES.—The Office of Disaster Manage-
10 ment and Resiliency shall—

11 “(A) be responsible for oversight and co-
12 ordination of all departmental disaster pre-
13 paredness and response responsibilities; and

14 “(B) coordinate with the Federal Emer-
15 gency Management Agency, the Small Business
16 Administration, and the Office of Community
17 Planning and Development and other offices of
18 the Department in supporting recovery and re-
19 siliency activities to provide a comprehensive
20 approach in working with communities.”.

21 (d) LONG-TERM DISASTER RECOVERY FUND.—

22 (1) ESTABLISHMENT.—There is established in
23 the Treasury of the United States an account to be
24 known as the Long-Term Disaster Recovery Fund.

25 (2) DEPOSITS, TRANSFERS, AND CREDIT.—

1 (A) IN GENERAL.—The Fund shall consist
2 of amounts appropriated, transferred, and cred-
3 ited to the Fund.

4 (B) TRANSFERS.—The following may be
5 transferred to the Fund:

6 (i) Amounts made available through
7 section 106(c)(4) of the Housing and Com-
8 munity Development Act of 1974 (42
9 U.S.C. 5306(c)(4)) as a result of actions
10 taken under section 104(e), 111, or 123(j)
11 of such Act.

12 (ii) Any unobligated balances available
13 until expended remaining or subsequently
14 recaptured from amounts appropriated for
15 any disaster and related purposes under
16 the heading “Community Development
17 Fund” in any Act prior to the establish-
18 ment of the Fund.

19 (C) USE OF TRANSFERRED AMOUNTS.—
20 Amounts transferred to the Fund shall be used
21 for the eligible uses described in paragraph (3).

22 (3) ELIGIBLE USES OF FUND.—

23 (A) IN GENERAL.—Amounts in the Fund
24 shall be available—

1 (i) to provide assistance in the form of
2 grants under section 123 of the Housing
3 and Community Development Act of 1974,
4 as added by subsection (e) of this section;
5 and

6 (ii) for activities of the Department
7 that support the provision of such assist-
8 ance, including necessary salaries and ex-
9 penses, information technology, capacity
10 building and technical assistance (including
11 assistance related to pre-disaster plan-
12 ning), and readiness and other pre-disaster
13 planning activities that are not readily at-
14 tributable to a single major disaster.

15 (B) SET ASIDE.—Of each amount appro-
16 priated for or transferred to the Fund, 2 per-
17 cent shall be made available for activities de-
18 scribed in subparagraph (A)(ii), which shall be
19 in addition to other amounts made available for
20 those activities.

21 (C) TRANSFER OF FUNDS.—Amounts
22 made available for use in accordance with sub-
23 paragraph (B)—

24 (i) may be transferred to the account
25 under the heading for “Program Offices—

1 Community Planning and Development”,
2 or any successor account, for the Depart-
3 ment to carry out activities described in
4 subparagraph (A)(ii); and

5 (ii) may be used for the activities de-
6 scribed in subparagraph (A)(ii) and for the
7 administrative costs of administering any
8 funds appropriated to the Department
9 under the heading “Community Planning
10 and Development—Community Develop-
11 ment Fund” for any major disaster de-
12 clared under section 401 of the Robert T.
13 Stafford Disaster Relief and Emergency
14 Assistance Act (42 U.S.C. 5170) in any
15 Act before the establishment of the Fund.

16 (4) INTERCHANGEABILITY OF PRIOR ADMINIS-
17 TRATIVE AMOUNTS.—Any amounts appropriated in
18 any Act prior to the establishment of the Fund and
19 transferred to the account under the heading “Pro-
20 gram Offices Salaries and Expenses—Community
21 Planning and Development”, or any predecessor ac-
22 count, for the Department for the costs of admin-
23 istering funds appropriated to the Department under
24 the heading “Community Planning and Develop-
25 ment—Community Development Fund” for any

1 major disaster declared under section 401 of the
2 Robert T. Stafford Disaster Relief and Emergency
3 Assistance Act (42 U.S.C. 5170) shall be available
4 for the costs of administering any such funds pro-
5 vided by any prior or future Act, notwithstanding
6 the purposes for which those amounts were appro-
7 priated and in addition to any amount provided for
8 the same purposes in other appropriations Acts.

9 (5) AVAILABILITY OF AMOUNTS.—Amounts ap-
10 propriated, transferred and credited to the Fund
11 shall remain available until expended.

12 (6) FORMULA ALLOCATION.—Use of amounts
13 in the Fund for grants shall be made by formula al-
14 location in accordance with the requirements of sec-
15 tion 123(a) of the Housing and Community Develop-
16 ment Act of 1974, as added by subsection (e) of this
17 section.

18 (7) AUTHORIZATION OF APPROPRIATIONS.—
19 There are authorized to be appropriated to the Fund
20 such sums as may be necessary to respond to cur-
21 rent or future major disasters declared under section
22 401 of the Robert T. Stafford Disaster Relief and
23 Emergency Assistance Act (42 U.S.C. 5179) for
24 grants under section 123 of the Housing and Com-

1 community Development Act of 1974, as added by sub-
2 section (e) of this section.

3 (e) ESTABLISHMENT OF CDBG DISASTER RECOV-
4 ERY PROGRAM.—Title I of the Housing and Community
5 Development Act of 1974 (42 U.S.C. 5301 et seq.) is
6 amended—

7 (1) in section 102(a) (42 U.S.C. 5302(a))—

8 (A) in paragraph (20)—

9 (i) by redesignating subparagraph (B)
10 as subparagraph (C);

11 (ii) in subparagraph (C), as so reded-
12 icated, by inserting “or (B)” after “sub-
13 paragraph (A)”;

14 (iii) by inserting after subparagraph
15 (A) the following:

16 “(B) The term ‘persons of extremely low
17 income’ means families and individuals whose
18 income levels do not exceed household income
19 levels determined by the Secretary under sec-
20 tion 3(b)(2) of the United States Housing Act
21 of 1937 (42 U.S.C. 1437a(b)(2)(C)), except
22 that the Secretary may provide alternative defi-
23 nitions for the Commonwealth of Puerto Rico,
24 Guam, the Commonwealth of the Northern

1 Mariana Islands, the United States Virgin Is-
2 lands, and American Samoa.”; and

3 (B) by adding at the end the following:

4 “(25) The term ‘major disaster’ has the mean-
5 ing given the term in section 102 of the Robert T.
6 Stafford Disaster Relief and Emergency Assistance
7 Act (42 U.S.C. 5122).”;

8 (2) in section 106(c)(4) (42 U.S.C.
9 5306(c)(4))—

10 (A) in subparagraph (A)—

11 (i) by striking “declared by the Presi-
12 dent under the Robert T. Stafford Disaster
13 Relief and Emergency Assistance Act”;

14 (ii) inserting “States for use in non-
15 entitlement areas and to” before “metro-
16 politan cities”; and

17 (iii) inserting “major” after “affected
18 by the”;

19 (B) in subparagraph (C)—

20 (i) by striking “metropolitan city or”
21 and inserting “State, metropolitan city,
22 or”;

23 (ii) by striking “city or county” and
24 inserting “State, city, or county”; and

1 (iii) by inserting “major” before “dis-
2 aster”;

3 (C) in subparagraph (D), by striking “met-
4 ropolitan cities and” and inserting “States,
5 metropolitan cities, and”;

6 (D) in subparagraph (F)—

7 (i) by striking “metropolitan city or”
8 and inserting “State, metropolitan city,
9 or”; and

10 (ii) by inserting “major” before “dis-
11 aster”; and

12 (E) in subparagraph (G), by striking “met-
13 ropolitan city or” and inserting “State, metro-
14 politan city, or”; and

15 (3) in section 122 (42 U.S.C. 5321), by striking
16 “disaster under title IV of the Robert T. Stafford
17 Disaster Relief and Emergency Assistance Act” and
18 inserting “major disaster”; and

19 (4) by adding at the end the following:

20 **“SEC. 123. COMMUNITY DEVELOPMENT BLOCK GRANT DIS-
21 ASTER RECOVERY PROGRAM.**

22 **“(a) AUTHORIZATION, FORMULA, AND ALLOCA-
23 TION.—**

24 **“(1) AUTHORIZATION.—**The Secretary is au-
25 **thorized to make community development block**

1 grant disaster recovery grants from the Long-Term
2 Disaster Recovery Fund established under section
3 5403(d) of the National Defense Authorization Act
4 for Fiscal Year 2023 (hereinafter referred to as the
5 ‘Fund’) for necessary expenses for activities author-
6 ized under subsection (f)(1) related to disaster relief,
7 long-term recovery, restoration of housing and infra-
8 structure, economic revitalization, and mitigation in
9 the most impacted and distressed areas resulting
10 from a catastrophic major disaster.

11 “(2) GRANT AWARDS.—Grants shall be awarded
12 under this section to States, units of general local
13 government, and Indian tribes based on capacity and
14 the concentration of damage, as determined by the
15 Secretary, to support the efficient and effective ad-
16 ministration of funds.

17 “(3) SECTION 106 ALLOCATIONS.—Grants
18 under this section shall not be considered relevant to
19 the formula allocations made pursuant to section
20 106.

21 “(4) FEDERAL REGISTER NOTICE.—

22 “(A) IN GENERAL.—Not later than 30
23 days after the date of enactment of this section,
24 the Secretary shall issue a notice in the Federal
25 Register containing the latest formula allocation

1 methodologies used to determine the total esti-
2 mate of unmet needs related to housing, eco-
3 nomic revitalization, and infrastructure in the
4 most impacted and distressed areas resulting
5 from a catastrophic major disaster.

6 “(B) PUBLIC COMMENT.—In the notice
7 issued under subparagraph (A), the Secretary
8 shall solicit public comments on—

9 “(i) the methodologies described in
10 subparagraph (A) and seek alternative
11 methods for formula allocation within a
12 similar total amount of funding;

13 “(ii) the impact of formula methodolo-
14 gies on rural areas and Tribal areas;

15 “(iii) adjustments to improve tar-
16 geting to the most serious needs;

17 “(iv) objective criteria for grantee ca-
18 pacity and concentration of damage to in-
19 form grantee determinations and minimum
20 allocation thresholds; and

21 “(v) research and data to inform an
22 additional amount to be provided for miti-
23 gation depending on type of disaster, which
24 shall be no more than 30 percent of the
25 total estimate of unmet needs.

1 “(5) REGULATIONS.—

2 “(A) IN GENERAL.—The Secretary shall,
3 by regulation, establish a formula to allocate as-
4 sistance from the Fund to the most impacted
5 and distressed areas resulting from a cata-
6 strophic major disaster.

7 “(B) FORMULA REQUIREMENTS.—The for-
8 mula established under subparagraph (A)
9 shall—

10 “(i) set forth criteria to determine
11 that a major disaster is catastrophic, which
12 criteria shall consider the presence of a
13 high concentration of damaged housing or
14 businesses that individual, State, Tribal,
15 and local resources could not reasonably be
16 expected to address without additional
17 Federal assistance, or other nationally en-
18 compassing data that the Secretary deter-
19 mines are adequate to assess relative im-
20 pact and distress across geographic areas;

21 “(ii) include a methodology for identi-
22 fying most impacted and distressed areas,
23 which shall consider unmet serious needs
24 related to housing, economic revitalization,
25 and infrastructure;

1 “(iii) include an allocation calculation
2 that considers the unmet serious needs re-
3 sulting from the catastrophic major dis-
4 aster and an additional amount up to 30
5 percent for activities to reduce risks of loss
6 resulting from other natural disasters in
7 the most impacted and distressed area, pri-
8 marily for the benefit of low- and mod-
9 erate-income persons, with particular focus
10 on activities that reduce repetitive loss of
11 property and critical infrastructure; and

12 “(iv) establish objective criteria for
13 periodic review and updates to the formula
14 to reflect changes in available science and
15 data.

16 “(C) MINIMUM ALLOCATION THRESH-
17 OLD.—The Secretary shall, by regulation, es-
18 tablish a minimum allocation threshold.

19 “(D) INTERIM ALLOCATION.—Until such
20 time that the Secretary issues final regulations
21 under this paragraph, the Secretary shall—

22 “(i) allocate assistance from the Fund
23 using the formula allocation methodology
24 published in accordance with paragraph
25 (4); and

1 “(ii) include an additional amount for
2 mitigation equal to 15 percent of the total
3 estimate of unmet need.

4 “(6) ALLOCATION OF FUNDS.—

5 “(A) IN GENERAL.—The Secretary shall—

6 “(i) except as provided in clause (ii),
7 not later than 90 days after the President
8 declares a major disaster, use best avail-
9 able data to determine whether the major
10 disaster is catastrophic and qualifies for
11 assistance under the formula in paragraph
12 (4) or (5), unless data is insufficient to
13 make this determination; and

14 “(ii) if the best available data is insuf-
15 ficient to make the determination required
16 under clause (i) within the 90-day period
17 described in that clause, the Secretary
18 shall determine whether the major disaster
19 qualifies when sufficient data becomes
20 available, but in no case shall the Sec-
21 retary make the determination later than
22 120 days after the declaration of the major
23 disaster.

24 “(B) ANNOUNCEMENT OF ALLOCATION.—

25 If amounts are available in the Fund at the

1 time the Secretary determines that the major
2 disaster is catastrophic and qualifies for assist-
3 ance under the formula in paragraph (4) or (5),
4 the Secretary shall immediately announce an al-
5 location for a grant under this section.

6 “(C) ADDITIONAL AMOUNTS.—If addi-
7 tional amounts are appropriated to the Fund
8 after amounts are allocated under subpara-
9 graph (B), the Secretary shall announce an al-
10 location or additional allocation (if a prior allo-
11 cation under subparagraph (B) was less than
12 the formula calculation) within 15 days of any
13 such appropriation.

14 “(7) PRELIMINARY FUNDING.—

15 “(A) IN GENERAL.—To speed recovery, the
16 Secretary is authorized to allocate and award
17 preliminary grants from the Fund before mak-
18 ing a determination under paragraph (6) if the
19 Secretary projects, based on a preliminary as-
20 sessment of impact and distress, that a major
21 disaster is catastrophic and would likely qualify
22 for funding under the formula in paragraph (4)
23 or (5).

24 “(B) AMOUNT.—

1 “(i) MAXIMUM.—The Secretary may
2 award preliminary funding under subpara-
3 graph (A) in an amount that is not more
4 than \$5,000,000.

5 “(ii) SLIDING SCALE.—The Secretary
6 shall, by regulation, establish a sliding
7 scale for preliminary funding awarded
8 under subparagraph (A) based on the size
9 of the preliminary assessment of impact
10 and distress.

11 “(C) USE OF FUNDS.—The uses of pre-
12 liminary funding awarded under subparagraph
13 (A) shall be limited to eligible activities that—

14 “(i) in the determination of the Sec-
15 retary, will support faster recovery, im-
16 prove the ability of the grantee to assess
17 unmet recovery needs, plan for the preven-
18 tion of improper payments, and reduce
19 fraud, waste, and abuse; and

20 “(ii) may include evaluating the in-
21 terim housing, permanent housing, and
22 supportive service needs of the disaster im-
23 pacted community, with special attention
24 to vulnerable populations, such as homeless
25 and low- to moderate-income households,

1 to inform the grantee action plan required
2 under subsection (c).

3 “(D) CONSIDERATION OF FUNDING.—Pre-
4 liminary funding awarded under subparagraph
5 (A)—

6 “(i) is not subject to the certification
7 requirements of paragraph (h)(1); and

8 “(ii) shall not be considered when cal-
9 culating the amount of the grant used for
10 administrative costs, technical assistance,
11 and planning activities that are subject to
12 the requirements under subsection (f)(2).

13 “(E) WAIVER.—To expedite the use of
14 preliminary funding for activities described in
15 this paragraph, the Secretary may waive re-
16 quirements of this section in accordance with
17 subsection (i).

18 “(F) AMENDED AWARD.—

19 “(i) IN GENERAL.—An award for pre-
20 liminary funding under subparagraph (A)
21 may be amended to add any subsequent
22 amount awarded because of a determina-
23 tion by the Secretary that a major disaster
24 is catastrophic and qualifies for assistance
25 under the formula.

1 “(ii) APPLICABILITY.—Notwith-
2 standing subparagraph (D), amounts pro-
3 vided by an amendment under clause (i)
4 are subject to the requirements under sub-
5 sections (h)(1) and (f)(1) and other re-
6 quirements on grant funds under this sec-
7 tion.

8 “(G) TECHNICAL ASSISTANCE.—Concur-
9 rent with the allocation of any preliminary
10 funding awarded under this paragraph, the Sec-
11 retary shall assign or provide technical assist-
12 ance to the recipient of the grant.

13 “(b) INTERCHANGEABILITY.—The Secretary—

14 “(1) is authorized to approve the use of grants
15 under this section to be used interchangeably and
16 without limitation for the same activities in the most
17 impacted and distressed areas resulting from a dec-
18 laration of another catastrophic major disaster that
19 qualifies for assistance under the formula estab-
20 lished under paragraph (4) or (5) of subsection (a);
21 and

22 “(2) shall establish requirements to expedite the
23 use of grants under this section for the purpose de-
24 scribed in paragraph (1).

25 “(c) GRANTEE PLANS.—

1 “(1) REQUIREMENT.—Not later than 90 days
2 after the date on which the Secretary announces a
3 grant allocation under this section, unless an exten-
4 sion is granted by the Secretary, the grantee shall
5 submit to the Secretary a plan for approval describ-
6 ing—

7 “(A) the activities the grantee will carry
8 out with the grant under this section;

9 “(B) the criteria of the grantee for award-
10 ing assistance and selecting activities;

11 “(C) how the use of the grant under this
12 section will address disaster relief, long-term re-
13 covery, restoration of housing and infrastruc-
14 ture, economic revitalization, and mitigation in
15 the most impacted and distressed areas;

16 “(D) how the use of the grant funds for
17 mitigation is consistent with hazard mitigation
18 plans submitted to the Federal Emergency
19 Management Agency under section 322 of the
20 Robert T. Stafford Disaster Relief and Emer-
21 gency Assistance Act (42 U.S.C. 5165);

22 “(E) the estimated amount proposed to be
23 used for activities that will benefit persons of
24 low and moderate income;

1 “(F) how the use of grant funds will repair
2 and replace existing housing stock for vulner-
3 able populations, including low- to moderate-in-
4 come households;

5 “(G) how the grantee will address the pri-
6 orities described in paragraph (5);

7 “(H) how uses of funds are proportional to
8 unmet needs, as required under paragraph (5);

9 “(I) for State grantees that plan to dis-
10 tribute grant amounts to units of general local
11 government, a description of the method of dis-
12 tribution; and

13 “(J) such other information as may be de-
14 termined by the Secretary in regulation.

15 “(2) PUBLIC CONSULTATION.—To permit pub-
16 lic examination and appraisal of the plan described
17 in paragraph (1), to enhance the public account-
18 ability of grantees, and to facilitate coordination of
19 activities with different levels of government, when
20 developing the plan or substantial amendments pro-
21 posed to the plan required under paragraph (1), a
22 grantee shall—

23 “(A) publish the plan before adoption;

24 “(B) provide citizens, affected units of
25 general local government, and other interested

1 parties with reasonable notice of, and oppor-
2 tunity to comment on, the plan, with a public
3 comment period of not less than 14 days;

4 “(C) consider comments received before
5 submission to the Secretary;

6 “(D) follow a citizen participation plan for
7 disaster assistance adopted by the grantee that,
8 at a minimum, provides for participation of
9 residents of the most impacted and distressed
10 area affected by the major disaster that re-
11 sulted in the grant under this section and other
12 considerations established by the Secretary; and

13 “(E) undertake any consultation with in-
14 terested parties as may be determined by the
15 Secretary in regulation.

16 “(3) APPROVAL.—The Secretary shall—

17 “(A) by regulation, specify criteria for the
18 approval, partial approval, or disapproval of a
19 plan submitted under paragraph (1), including
20 approval of substantial amendments to the
21 plan;

22 “(B) review a plan submitted under para-
23 graph (1) upon receipt of the plan;

24 “(C) allow a grantee to revise and resub-
25 mit a plan or substantial amendment to a plan

1 under paragraph (1) that the Secretary dis-
2 approves;

3 “(D) by regulation, specify criteria for
4 when the grantee shall be required to provide
5 the required revisions to a disapproved plan or
6 substantial amendment under paragraph (1) for
7 public comment prior to resubmission of the
8 plan or substantial amendment to the Sec-
9 retary; and

10 “(E) approve, partially approve, or dis-
11 approve a plan or substantial amendment under
12 paragraph (1) not later than 60 days after the
13 date on which the plan or substantial amend-
14 ment is received by the Secretary.

15 “(4) LOW- AND MODERATE-INCOME OVERALL
16 BENEFIT.—

17 “(A) USE OF FUNDS.—Not less than 70
18 percent of a grant made under this section shall
19 be used for activities that benefit persons of low
20 and moderate income unless the Secretary—

21 “(i) specifically finds that—

22 “(I) there is compelling need to
23 reduce the percentage for the grant;
24 and

1 “(II) the housing needs of low-
2 and moderate-income residents have
3 been addressed; and

4 “(ii) issues a waiver and alternative
5 requirements pursuant to subsection (i) to
6 lower the percentage.

7 “(B) REGULATIONS.—The Secretary shall,
8 by regulation, establish protocols consistent
9 with the findings of section 5403(a) of the Na-
10 tional Defense Authorization Act for Fiscal
11 Year 2023 to prioritize the use of funds by a
12 grantee under this section to meet the needs of
13 low- and moderate-income persons and busi-
14 nesses serving primarily persons of low and
15 moderate income.

16 “(5) PRIORITIZATION.—The grantee shall
17 prioritize activities that—

18 “(A) assist persons with extremely low,
19 low, and moderate incomes and other vulnerable
20 populations to better recover from and with-
21 stand future disasters, emphasizing those with
22 the most severe needs;

23 “(B) address affordable housing, including
24 affordable rental housing, needs arising from a

1 disaster or those needs present prior to a dis-
2 aster;

3 “(C) prolong the life of housing and infra-
4 structure;

5 “(D) use cost-effective means of preventing
6 harm to people and property and incorporate
7 protective features, redundancies, energy sav-
8 ings; and

9 “(E) other measures that will assure the
10 continuation of critical services during future
11 disasters.

12 “(6) PROPORTIONAL ALLOCATION.—

13 “(A) IN GENERAL.—A grantee under this
14 section shall allocate grant funds proportional
15 to unmet needs between housing activities, eco-
16 nomic revitalization, and infrastructure, unless
17 the Secretary—

18 “(i) specifically finds that—

19 “(I) there is a compelling need
20 for a disproportional allocation among
21 those unmet needs; and

22 “(II) the disproportional alloca-
23 tion described in subclause (I) is not
24 inconsistent with the requirements
25 under paragraph (4); and

1 “(ii) issues a waiver and alternative
2 requirement pursuant to subsection (i) to
3 allow for the disproportional allocation de-
4 scribed in clause (i)(I).

5 “(B) HOUSING ACTIVITIES.—With respect
6 to housing activities described in subparagraph
7 (A)(i), grantees should address proportional
8 needs between homeowners and renters, includ-
9 ing low-income households in public housing
10 and federally subsidized housing.

11 “(7) DISASTER RISK MITIGATION.—

12 “(A) DEFINITION.—In this paragraph, the
13 term ‘hazard-prone areas’—

14 “(i) means areas identified by the
15 Secretary, in consultation with the Admin-
16 istrator of the Federal Emergency Man-
17 agement Agency, at risk from natural haz-
18 ards that threaten property damage or
19 health, safety, and welfare, such as floods,
20 wildfires (including Wildland-Urban Inter-
21 face areas), earthquakes, lava inundation,
22 tornados, and high winds; and

23 “(ii) includes areas having special
24 flood hazards as identified under the Flood
25 Disaster Protection Act of 1973 (42

1 U.S.C. 4002 et seq.) or the National Flood
2 Insurance Act of 1968 (42 U.S.C. 4001 et
3 seq.).

4 “(B) HAZARD-PRONE AREAS.—The Sec-
5 retary, in consultation with the Administrator
6 of the Federal Emergency Management Agency,
7 shall establish minimum construction standards,
8 insurance purchase requirements, and other re-
9 quirements for the use of grant funds in haz-
10 ard-prone areas.

11 “(C) SPECIAL FLOOD HAZARDS.—For the
12 areas described in subparagraph (A)(ii), the in-
13 surance purchase requirements established
14 under subparagraph (B) shall meet or exceed
15 the requirements under section 102(a) of the
16 Flood Disaster Protection Act of 1973 (42
17 U.S.C. 4012a(a)).

18 “(D) CONSIDERATION OF FUTURE
19 RISKS.—The Secretary may consider future
20 risks to protecting property and health, safety,
21 and general welfare, and the likelihood of those
22 risks, when making the determination of or
23 modification to hazard-prone areas under this
24 paragraph.

25 “(8) RELOCATION.—

1 “(A) IN GENERAL.—The Uniform Reloca-
2 tion Assistance and Real Property Acquisition
3 Policies Act of 1970 (42 U.S.C. 4601 et seq.)
4 shall apply to activities assisted under this sec-
5 tion to the extent determined by the Secretary
6 in regulation, or as provided in waivers and al-
7 ternative requirements authorized in accordance
8 with subsection (i).

9 “(B) POLICY.—Each grantee under this
10 section shall establish a relocation assistance
11 policy that—

12 “(i) minimizes displacement and de-
13 scribes the benefits available to persons
14 displaced as a direct result of acquisition,
15 rehabilitation, or demolition in connection
16 with an activity that is assisted by a grant
17 under this section; and

18 “(ii) includes any appeal rights or
19 other requirements that the Secretary es-
20 tablishes by regulation.

21 “(d) CERTIFICATIONS.—Any grant under this section
22 shall be made only if the grantee certifies to the satisfac-
23 tion of the Secretary that—

24 “(1) the grantee is in full compliance with the
25 requirements under subsection (c)(2);

1 “(2) for grants other than grants to Indian
2 tribes, the grant will be conducted and administered
3 in conformity with the Civil Rights Act of 1964 (42
4 U.S.C. 2000a et seq.) and the Fair Housing Act (42
5 U.S.C. 3601 et seq.);

6 “(3) the projected use of funds has been devel-
7 oped so as to give maximum feasible priority to ac-
8 tivities that will benefit extremely low-, low-, and
9 moderate-income families and activities described in
10 subsection (c)(5), and may also include activities
11 that are designed to aid in the prevention or elimi-
12 nation of slum and blight to support disaster recov-
13 ery, meet other community development needs hav-
14 ing a particular urgency because existing conditions
15 pose a serious and immediate threat to the health or
16 welfare of the community where other financial re-
17 sources are not available to meet such needs, and al-
18 leviate future threats to human populations, critical
19 natural resources, and property that an analysis of
20 hazards shows are likely to result from natural dis-
21 asters in the future;

22 “(4) the grant funds shall principally benefit
23 persons of low and moderate income as described in
24 subsection (c)(4);

1 “(5) for grants other than grants to Indian
2 tribes, within 24 months of receiving a grant or at
3 the time of its 3- or 5-year update, whichever is
4 sooner, the grantee will review and make modifica-
5 tions to its non-disaster housing and community de-
6 velopment plans and strategies required by sub-
7 sections (c) and (m) of section 104 to reflect the dis-
8 aster recovery needs identified by the grantee and
9 consistency with the plan under subsection (c)(1);

10 “(6) the grantee will not attempt to recover any
11 capital costs of public improvements assisted in
12 whole or part under this section by assessing any
13 amount against properties owned and occupied by
14 persons of low and moderate income, including any
15 fee charged or assessment made as a condition of
16 obtaining access to such public improvements, un-
17 less—

18 “(A) funds received under this section are
19 used to pay the proportion of such fee or as-
20 sessment that relates to the capital costs of
21 such public improvements that are financed
22 from revenue sources other than under this
23 chapter; or

24 “(B) for purposes of assessing any amount
25 against properties owned and occupied by per-

1 sons of moderate income, the grantee certifies
2 to the Secretary that the grantee lacks suffi-
3 cient funds received under this section to com-
4 ply with the requirements of subparagraph (A);

5 “(7) the grantee will comply with the other pro-
6 visions of this title that apply to assistance under
7 this section and with other applicable laws;

8 “(8) the grantee will follow a relocation assist-
9 ance policy that includes any minimum requirements
10 identified by the Secretary; and

11 “(9) the grantee will adhere to construction
12 standards, insurance purchase requirements, and
13 other requirements for development in hazard-prone
14 areas described in subsection (c)(7).

15 “(e) PERFORMANCE REVIEWS AND REPORTING.—

16 “(1) IN GENERAL.—The Secretary shall, on not
17 less frequently than an annual basis, make such re-
18 views and audits as may be necessary or appropriate
19 to determine whether a grantee under this section
20 has—

21 “(A) carried out activities using grant
22 funds in a timely manner;

23 “(B) met the performance targets estab-
24 lished by paragraph (2);

1 “(C) carried out activities using grant
2 funds in accordance with the requirements of
3 this section, the other provisions of this title
4 that apply to assistance under this section, and
5 other applicable laws; and

6 “(D) a continuing capacity to carry out ac-
7 tivities in a timely manner.

8 “(2) PERFORMANCE TARGETS.—The Secretary
9 shall develop and make publicly available critical
10 performance targets for review, which shall include
11 spending thresholds for each year from the date on
12 which funds are obligated by the Secretary to the
13 grantee until such time all funds have been ex-
14 pended.

15 “(3) FAILURE TO MEET TARGETS.—

16 “(A) SUSPENSION.—If a grantee under
17 this section fails to meet 1 or more critical per-
18 formance targets under paragraph (2), the Sec-
19 retary may temporarily suspend the grant.

20 “(B) PERFORMANCE IMPROVEMENT
21 PLAN.—If the Secretary suspends a grant
22 under subparagraph (A), the Secretary shall
23 provide to the grantee a performance improve-
24 ment plan with the specific requirements needed

1 to lift the suspension within a defined time pe-
2 riod.

3 “(C) REPORT.—If a grantee fails to meet
4 the spending thresholds established under para-
5 graph (2), the grantee shall submit to the Sec-
6 retary, the appropriate committees of Congress,
7 and each member of Congress who represents a
8 district or State of the grantee a written report
9 identifying technical capacity, funding, or other
10 Federal or State impediments affecting the abil-
11 ity of the grantee to meet the spending thresh-
12 olds.

13 “(4) COLLECTION OF INFORMATION AND RE-
14 PORTING.—

15 “(A) REQUIREMENT TO REPORT.—A
16 grantee under this section shall provide to the
17 Secretary such information as the Secretary
18 may determine necessary for adequate oversight
19 of the grant program under this section.

20 “(B) PUBLIC AVAILABILITY.—Subject to
21 subparagraph (D), the Secretary shall make in-
22 formation submitted under subparagraph (A)
23 available to the public and to the Inspector
24 General for the Department of Housing and
25 Urban Development, disaggregated by income,

1 geography, and all classes of individuals pro-
2 tected under section 109.

3 “(C) SUMMARY STATUS REPORTS.—To in-
4 crease transparency and accountability of the
5 grant program under this section the Secretary
6 shall, on not less frequently than an annual
7 basis, post on a public facing dashboard sum-
8 mary status reports for all active grants under
9 this section that includes—

10 “(i) the status of funds by activity;

11 “(ii) the percentages of funds allo-
12 cated and expended to benefit low- and
13 moderate-income communities;

14 “(iii) performance targets, spending
15 thresholds, and accomplishments; and

16 “(iv) other information the Secretary
17 determines to be relevant for transparency.

18 “(D) CONSIDERATIONS.—In carrying out
19 this paragraph, the Secretary—

20 “(i) shall take such actions as may be
21 necessary to ensure that personally identi-
22 fiable information regarding applicants for
23 assistance provided from funds made avail-
24 able under this section is not made publicly
25 available; and

1 “(ii) may make full and unredacted
2 information available to academic institu-
3 tions for the purpose of researching into
4 the equitable distribution of recovery funds
5 and adherence to civil rights protections.

6 “(f) ELIGIBLE ACTIVITIES.—

7 “(1) IN GENERAL.—Activities assisted under
8 this section—

9 “(A) may include activities permitted
10 under section 105 or other activities permitted
11 by the Secretary by waiver or alternative re-
12 quirement pursuant to subsection (i); and

13 “(B) shall be related to disaster relief,
14 long-term recovery, restoration of housing and
15 infrastructure, economic revitalization, and
16 mitigation in the most impacted and distressed
17 areas resulting from the major disaster for
18 which the grant was awarded.

19 “(2) PROHIBITION.—Grant funds under this
20 section may not be used for costs reimbursable by,
21 or for which funds have been made available by, the
22 Federal Emergency Management Agency or the
23 United States Army Corps of Engineers.

24 “(3) ADMINISTRATIVE COSTS, TECHNICAL AS-
25 SISTANCE AND PLANNING.—

1 “(A) IN GENERAL.—The Secretary shall
2 establish in regulation the maximum grant
3 amounts a grantee may use for administrative
4 costs, technical assistance and planning activi-
5 ties, taking into consideration size of grant,
6 complexity of recovery, and other factors as de-
7 termined by the Secretary, but not to exceed 10
8 percent for administration and 20 percent in
9 total.

10 “(B) AVAILABILITY.—Amounts available
11 for administrative costs for a grant under this
12 section shall be available for eligible administra-
13 tive costs of the grantee for any grant made
14 under this section, without regard to a par-
15 ticular disaster.

16 “(4) PROGRAM INCOME.—Notwithstanding any
17 other provision of law, any grantee under this sec-
18 tion may retain program income that is realized
19 from grants made by the Secretary under this sec-
20 tion if the grantee agrees that the grantee will uti-
21 lize the program income in accordance with the re-
22 quirements for grants under this section, except that
23 the Secretary may—

24 “(A) by regulation, exclude from consider-
25 ation as program income any amounts deter-

1 mined to be so small that compliance with this
2 paragraph creates an unreasonable administra-
3 tive burden on the grantee; or

4 “(B) permit the grantee to transfer re-
5 maining program income to the other grants of
6 the grantee under this title upon closeout of the
7 grant.

8 “(5) PROHIBITION ON USE OF ASSISTANCE FOR
9 EMPLOYMENT RELOCATION ACTIVITIES.—

10 “(A) IN GENERAL.—Grants under this sec-
11 tion may not be used to assist directly in the
12 relocation of any industrial or commercial plant,
13 facility, or operation, from one area to another
14 area, if the relocation is likely to result in a sig-
15 nificant loss of employment in the labor market
16 area from which the relocation occurs.

17 “(B) APPLICABILITY.—The prohibition
18 under subparagraph (A) shall not apply to a
19 business that was operating in the disaster-de-
20 clared labor market area before the incident
21 date of the applicable disaster and has since
22 moved, in whole or in part, from the affected
23 area to another State or to a labor market area
24 within the same State to continue business.

1 “(6) REQUIREMENTS.—Grants under this sec-
2 tion are subject to the requirements of this section,
3 the other provisions of this title that apply to assist-
4 ance under this section, and other applicable laws,
5 unless modified by waivers and alternative require-
6 ments in accordance with subsection (i).

7 “(g) ENVIRONMENTAL REVIEW.—

8 “(1) ADOPTION.—A recipient of funds provided
9 under this section that uses the funds to supplement
10 Federal assistance provided under section 402, 403,
11 404, 406, 407, 408(c)(4), 428, or 502 of the Robert
12 T. Stafford Disaster Relief and Emergency Assist-
13 ance Act (42 U.S.C. 5170a, 5170b, 5170c, 5172,
14 5173, 5174(c)(4), 5189f, 5192) may adopt, without
15 review or public comment, any environmental review,
16 approval, or permit performed by a Federal agency,
17 and that adoption shall satisfy the responsibilities of
18 the recipient with respect to the environmental re-
19 view, approval, or permit under section 104(g)(1).

20 “(2) APPROVAL OF RELEASE OF FUNDS.—Not-
21 withstanding section 104(g)(2), the Secretary or a
22 State may, upon receipt of a request for release of
23 funds and certification, immediately approve the re-
24 lease of funds for an activity or project to be as-
25 sisted under this section if the recipient has adopted

1 an environmental review, approval, or permit under
2 paragraph (1) or the activity or project is categori-
3 cally excluded from review under the National Envi-
4 ronmental Policy Act of 1969 (42 U.S.C. 4321 et
5 seq.).

6 “(3) UNITS OF GENERAL LOCAL GOVERN-
7 MENT.—The provisions of section 104(g)(4) shall
8 apply to assistance under this section that a State
9 distributes to a unit of general local government.

10 “(h) FINANCIAL CONTROLS AND PROCEDURES.—

11 “(1) IN GENERAL.—The Secretary shall develop
12 requirements and procedures to demonstrate that a
13 grantee under this section—

14 “(A) has adequate financial controls and
15 procurement processes;

16 “(B) has adequate procedures to detect
17 and prevent fraud, waste, abuse and duplication
18 of benefit; and

19 “(C) maintains a comprehensive and pub-
20 licly accessible website.

21 “(2) CERTIFICATION.—Before making a grant
22 under this section, the Secretary shall certify that
23 the grantee has in place proficient processes and
24 procedures to comply with the requirements devel-

1 oped under paragraph (1), as determined by the
2 Secretary.

3 “(3) COMPLIANCE BEFORE ALLOCATION.—The
4 Secretary may permit a State, unit of general local
5 government, or Indian tribe to demonstrate compli-
6 ance with the requirements for adequate financial
7 controls developed under paragraph (1) before a dis-
8 aster occurs and before receiving an allocation for a
9 grant under this section.

10 “(4) DUPLICATION OF BENEFITS.—

11 “(A) IN GENERAL.—Funds made available
12 under this subsection shall be used in accord-
13 ance with section 312 of the Robert T. Stafford
14 Disaster Relief and Emergency Assistance Act
15 (42 U.S.C. 5155), as amended by section 1210
16 of the Disaster Recovery Reform Act of 2018
17 (division D of Public Law 115–254), and such
18 rules as may be prescribed under such section
19 312.

20 “(B) PENALTIES.—In any case in which
21 the use of grant funds under this section results
22 in a prohibited duplication of benefits, the
23 grantee shall—

24 “(i) apply an amount equal to the
25 identified duplication to any allowable costs

1 of the award consistent with actual, imme-
2 diate cash requirement;

3 “(ii) remit any excess amounts to the
4 Secretary to be credited to the obligated,
5 undisbursed balance of the grant con-
6 sistent with requirements on Federal pay-
7 ments applicable to such grantee; and

8 “(iii) if excess amounts under clause
9 (ii) are identified after the period of per-
10 formance or after the closeout of the
11 award, remit such amounts to the Sec-
12 retary to be credited to the Fund.

13 “(C) FAILURE TO COMPLY.—A grantee
14 that fails to comply with subparagraph (A)
15 shall be subject to remedies for noncompliance
16 under section 111, unless the Secretary pub-
17 lishes a determination in the Federal Register
18 that it is not in the best interest of the Federal
19 Government to pursue remedial actions.

20 “(i) WAIVERS.—

21 “(1) IN GENERAL.—In administering grants
22 under this section, the Secretary may waive, or
23 specify alternative requirements for, any provision of
24 any statute or regulation that the Secretary admin-
25 isters in connection with the obligation by the Sec-

1 retary or the use by the grantee of those funds (ex-
2 cept for requirements related to fair housing, non-
3 discrimination, labor standards, the environment,
4 and the requirements of this section that do not ex-
5 pressly authorize modifications by waiver or alter-
6 native requirement), if the Secretary makes a public
7 finding that good cause exists for the waiver or al-
8 ternative requirement and the waiver or alternative
9 requirement would not be inconsistent with the find-
10 ings in section 5403(a) of the National Defense Au-
11 thorization Act for Fiscal Year 2023.

12 “(2) EFFECTIVE DATE.—A waiver or alter-
13 native requirement described in paragraph (1) shall
14 not take effect before the date that is 5 days after
15 the date of publication of the waiver or alternative
16 requirement on the website of the Department of
17 Housing and Urban Development or the effective
18 date for any regulation published in the Federal
19 Register.

20 “(3) PUBLIC NOTIFICATION.—The Secretary
21 shall notify the public of all waivers described in
22 paragraph (1) in accordance with the requirements
23 of section 7(q)(3) of the Department of Housing and
24 Urban Development Act (42 U.S.C. 3535(q)(3)).

25 “(j) UNUSED AMOUNTS.—

1 “(1) DEADLINE TO USE AMOUNTS.—A grantee
2 under this section shall use an amount equal to the
3 grant within 6 years beginning on the date on which
4 the Secretary obligates the amounts to the grantee,
5 as such period may be extended under paragraph
6 (4).

7 “(2) RECAPTURE.—The Secretary shall recapture
8 and credit to the Fund any amount that is un-
9 used by a grantee under this section upon the earlier
10 of—

11 “(A) the date on which the grantee notifies
12 the Secretary that the grantee has completed all
13 activities identified in the disaster grantee’s
14 plan under subsection (c); or

15 “(B) the expiration of the 6-year period
16 described in paragraph (1), as such period may
17 be extended under paragraph (4).

18 “(3) RETENTION OF FUNDS.—Notwithstanding
19 paragraph (1), the Secretary may allow a grantee
20 under this section to retain—

21 “(A) amounts needed to close out grants;
22 and

23 “(B) up to 10 percent of the remaining
24 funds to support maintenance of the minimal
25 capacity to launch a new program in the event

1 of a future disaster and to support pre-disaster
2 long-term recovery and mitigation planning.

3 “(4) EXTENSION OF PERIOD FOR USE OF
4 FUNDS.—The Secretary may extend the 6-year pe-
5 riod described in paragraph (1) by not more than 4
6 years, or not more than 6 years for mitigation activi-
7 ties, if—

8 “(A) the grantee submits to the Sec-
9 retary—

10 “(i) written documentation of the exi-
11 gent circumstances impacting the ability of
12 the grantee to expend funds that could not
13 be anticipated; or

14 “(ii) a justification that such request
15 is necessary due to the nature and com-
16 plexity of the program and projects; and

17 “(B) the Secretary submits a written jus-
18 tification for the extension to the Committees
19 on Appropriations of Senate and the House of
20 Representatives that specifies the period of that
21 extension.”.

22 (f) REGULATIONS.—

23 (1) PROPOSED RULES.— Following consultation
24 with the Federal Emergency Management Agency,
25 the Small Business Administration, and other Fed-

1 eral agencies, not later than 6 months after the date
2 of enactment of this Act, the Secretary shall issue
3 proposed rules to carry out this section and the
4 amendments made by this section and shall provide
5 a 90-day period for submission of public comments
6 on those proposed rules.

7 (2) FINAL RULES.—Not later than 1 year after
8 the date of enactment of this Act, the Secretary
9 shall issue final regulations to carry out section 123
10 of the Housing and Community Development Act of
11 1974, as added by subsection (e) of this section.

12 (g) COORDINATION OF DISASTER RECOVERY ASSIST-
13 ANCE, BENEFITS, AND DATA WITH OTHER FEDERAL
14 AGENCIES.—

15 (1) COORDINATION OF DISASTER RECOVERY AS-
16 SISTANCE.—In order to ensure a comprehensive ap-
17 proach to Federal disaster relief, long-term recovery,
18 restoration of housing and infrastructure, economic
19 revitalization, and mitigation in the most impacted
20 and distressed areas resulting from a catastrophic
21 major disaster, the Secretary shall coordinate with
22 the Federal Emergency Management Agency, to the
23 greatest extent practicable, in the implementation of
24 assistance authorized under section 123 of the

1 Housing and Community Development Act of 1974,
2 as added by subsection (e) of this section.

3 (2) DATA SHARING AGREEMENTS.—To support
4 the coordination of data to prevent duplication of
5 benefits with other Federal disaster recovery pro-
6 grams while also expediting recovery and reducing
7 burden on disaster survivors, the Department shall
8 establish data sharing agreements that safeguard
9 privacy with relevant Federal agencies to ensure dis-
10 aster benefits effectively and efficiently reach in-
11 tended beneficiaries, while using effective means of
12 preventing harm to people and property.

13 (3) DATA TRANSFER FROM FEMA AND SBA TO
14 HUD.—As permitted and deemed necessary for effi-
15 cient program execution, and consistent with a com-
16 puter matching agreement entered into under para-
17 graph (6)(A), the Administrator of the Federal
18 Emergency Management Agency and the Adminis-
19 trator of the Small Business Administration shall
20 provide data on disaster applicants to the Depart-
21 ment, including, when necessary, personally identifi-
22 able information, disaster recovery needs, and re-
23 sources determined eligible for, and amounts ex-
24 pended, to the Secretary for all major disasters de-
25 clared by the President pursuant to section 401 of

1 Robert T. Stafford Disaster Relief and Emergency
2 Assistance Act (42 U.S.C. 5170) for the purpose of
3 providing additional assistance to disaster survivors
4 and prevent duplication of benefits.

5 (4) DATA TRANSFERS FROM HUD TO HUD
6 GRANTEES.—The Secretary is authorized to provide
7 to grantees under section 123 of the Housing and
8 Community Development Act of 1974, as added by
9 subsection (e) of this section, offices of the Depart-
10 ment, technical assistance providers, and lenders in-
11 formation that in the determination of the Secretary
12 is reasonably available and appropriate to inform the
13 provision of assistance after a major disaster, includ-
14 ing information provided to the Secretary by the Ad-
15 ministrator of the Federal Emergency Management
16 Agency, the Administrator of the Small Business
17 Administration, or other Federal agencies.

18 (5) DATA TRANSFERS FROM HUD GRANTEES TO
19 HUD, FEMA, AND SBA.—

20 (A) REPORTING.—Grantees under section
21 123 of the Housing and Community Develop-
22 ment Act of 1974, as added by subsection (e)
23 of this section, shall report information re-
24 quested by the Secretary on households, busi-

1 nesses, and other entities assisted and the type
2 of assistance provided.

3 (B) SHARING INFORMATION.—The Sec-
4 retary shall share information collected under
5 subparagraph (A) with the Federal Emergency
6 Management Agency, the Small Business Ad-
7 ministration, and other Federal agencies to sup-
8 port the planning and delivery of disaster recov-
9 ery and mitigation assistance.

10 (6) PRIVACY PROTECTION.—The Secretary may
11 make and receive data transfers authorized under
12 this subsection, including the use and retention of
13 that data for computer matching programs, to in-
14 form the provision of assistance, assess disaster re-
15 covery needs, and prevent the duplication of benefits
16 and other waste, fraud, and abuse, provided that—

17 (A) the Secretary enters a computer
18 matching agreement with the Administrator of
19 the Federal Emergency Management Agency,
20 the Administrator of the Small Business Ad-
21 ministration, or other Federal agencies covering
22 the transfer of data;

23 (B) the Secretary publishes intent to dis-
24 close data in the Federal Register;

1 (C) notwithstanding subparagraphs (A)
2 and (B), section 552a of title 5, United States
3 Code (commonly known as the “Privacy Act of
4 1974”), or any other law, the Secretary is au-
5 thorized to share data with an entity identified
6 in paragraph (4), and the entity is authorized
7 to use the data as described in this subsection,
8 if the Secretary enters a data sharing agree-
9 ment with the entity before sharing or receiving
10 any information under transfers authorized by
11 this subsection, which data sharing agreement
12 shall—

13 (i) in the determination of the Sec-
14 retary, include measures adequate to safe-
15 guard the privacy and personally identifi-
16 able information of individuals; and

17 (ii) include provisions that describe
18 how the personally identifiable information
19 of an individual will be adequately safe-
20 guarded and protected, which requires con-
21 sultation with the Secretary and the head
22 of each Federal agency the data of which
23 is being shared subject to the agreement.

